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09/854,733	05/14/2001	Peter T. Barrett	14531.95	7869

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EXAMINER

CHANG, SHIRLEY

ART UNIT PAPER NUMBER

2614

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/854,733	BARRETT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shirley Chang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 51-72 is/are pending in the application.
- 4a) Of the above claim(s) 58-60 and 68-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-57, 61-67, 71-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

***Election/Restrictions***

Newly submitted claims 58-60 and 68-70 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: newly submitted claims 58-60 and 68-70 are directed toward non-elected subject matter corresponding to claim 13.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 58-60 and 68-70 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Response to Applicant's Arguments***

a. Applicant argues on page 19, first paragraph that Proehl does not 'use a browse mode, but rather operates simply using full mode.'

Proehl effectively discloses a 'browse mode' since the user is 'browsing' the EPG by deciding which part to zoom in and out and which information to focus on as shown in fig. 10.

b. Applicant argues on page 19, third paragraph that Proehl 'nowhere teaches using individual slices of an EPG which can be selectively added or removed...as opposed to zooming out on the entire EPG.'

Proehl discloses adding one additional slice of program guide. As shown in Fig. 10, Proehl discloses the user decides how far to zoom out and can decide to add an

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additional data slice, or an additional time column slice, to the program guide. Proehl teaches horizontal reduction by moving the displayed times closer together, adding additional times as space permits and vertical reduction by moving the station identification and program title areas closer together, reducing the size of the program title as necessary (column 7, lines 4-32).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claim(s) 51-55, 57, 61-65, 67, 71-72 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Proehl et al. (6577350).**

As to claim 51, Proehl discloses:

A method for display of electronic program guide information to a viewer a viewer while viewing a television program, wherein the electronic program guide information is organized in various slices each containing at least a channel identifier and a program element for a given time element (figs. 8, 10, program entries listed based on time and channel; [5, 12-20]), and

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wherein the viewer selectively determines how to expand the program guide information when initially presented to the viewer in browse mode so as to present additional program guide information (figs 8, 10; [7, 33-50]), the method comprising steps for:

retrieving from an electronic program guide at least a first slice of program guide information (figs. 8, 10, columns the slice includes the channel column and time; [6, 47-60]);

displaying in a browse mode the retrieved slice in a window that is simultaneously presented for viewing with a displayed television program (figs. 8, 10; [7, 33-50]);

in response to a viewer-activated command that is initiated, adding one additional slice of program guide information to said browse mode window (figs. 8, 10; [7, 33-50]); and

the viewer selectively continuing to add another additional slice of program guide information to said browse mode window each time a viewer-activated command is initiated, until a pre-defined number of slices is reached (figs. 8, 10; [7, 33-55];

'horizontal reduction by moving the displayed times closer together, adding additional times as space permits and vertical reduction by moving the station identification and program title areas closer together, reducing the size of the program title as necessary' [7, 4-32]).

As to claim 52, Proehl discloses:

A computer program for implementing a method for display of electronic program guide information to a viewer while viewing a television program, wherein the electronic program guide information is organized in various slices each containing at least a channel identifier and a program element for a given time element, and wherein the viewer selectively determines how to expand the program guide information when initially presented to the viewer in browse mode so as to present additional program guide information, the computer program product comprising: a computer-readable medium for storing computer-executable instructions for implementing said method (fig. 1, el. 2, fig. 2; [3, 1-17]); wherein said computer-executable instructions are comprised of computer-program code means for performing the following steps:

a step for retrieving from an electronic program guide at least a first slice of program guide information; a step of displaying in browse mode the retrieved slice in a window that is simultaneously presented for viewing with a displayed television program; in response to a viewer-activated command is initiated, a step for adding one additional slice of program guide information to said browse mode window; and a step for selectively continuing to add another additional slice of program guide information to said browse mode window each time a viewer-activated command is initiated, until a pm-defined number of slices is reached (the limitations are included and met for the same reasons as previously discussed in claim 51, since the method of claim 51 is performed in a computer system; (fig. 1, el. 2; [3, 1-17]; figs. 2; [3, 18-44])).

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As to claim 53, Proehl discloses:

further comprising a step for selectively removing from the browse mode window a slice of program guide information in response to a viewer-activated command (figs. 8, 10; [7, 33-55]).

As to claim 54, Proehl discloses:

said electronic program guide is stored in a local data source ([3, 27-44]).

As to claim 55, Proehl discloses:

said first data slice presents channel and program information for the television program being displayed to the viewer, and wherein said first data slice continues to be present in the browse mode window irrespective of other data slices added to the browse mode window as long as the television program being displayed remains unchanged (figs. 8, 10, columns the slice includes the channel column and time, which remain as more data slices are added; [6, 47-60]).

As to claim 57, Proehl discloses:

a pre-defined maximum number of data slices that can be added to the browse mode window is defined by viewer-activated input ([7, 4-32]).

As to claim 61, Proehl discloses:

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A method for display of electronic program guide information to a viewer while viewing a television program, wherein the electronic program guide information is organized in various slices each containing at least a channel identifier and a program element for a given time element, and wherein the viewer selectively determines how to expand the program guide information when initially presented to the viewer in browse mode so as to present additional program guide information, the method comprising steps for: retrieving from an electronic program guide at least first slice of program guide information; displaying in browse mode the retrieved slice in a window that is simultaneously presented for viewing with a displayed television program (the limitations are included and met as previously discussed in claim 51); in response to a viewer-activated command that is initiated, adding one or more time elements that are simultaneously viewable within said browse mode window in addition to the one element for said first slice of program guide information (figs. 8, 10, more time elements appear as the user zooms out; [7, 33-50]); and selectively adding one additional slice of program guide information to said browse mode window each time a viewer-activated command is initiated, until a pre-defined number of slices is reached and wherein, each slice of program guide information that is added for a particular time element so that the viewer is allowed to scroll the browse mode window on a time period-by-time period basis (figs. 8, 10; [7, 33-55]; user determines the number of data slices to display and view [7, 4-32]).

As to claim 62, Proehl discloses:



A computer program for implementing a method for display of electronic program guide information to a viewer while viewing a television program, wherein the electronic program guide information is organized in various slices each containing at least a channel identifier and a program element for a given time element, and wherein the viewer selectively determines how to expand the program guide information when initially presented to the viewer in browse mode so as to present additional program guide information, the computer program product comprising: a computer-readable medium for storing computer-executable instructions for implementing said method (fig. 1, el. 2; [3, 1-17]; figs. 2; [3, 18-44]); and wherein said computer-executable instructions are comprised of computer-program code means for performing the following steps: a step for retrieving from an electronic program guide at least first slice of program guide information; a step for displaying in browse mode the retrieved slice in a window that is simultaneously presented for viewing with a displayed television program; in response to a viewer-activated command that is initiated, a step for adding one or more time elements that are simultaneously viewable within said browse mode window in addition to the time element for said first slice of program guide information; and a step for selectively adding one additional slice of program guide information to said browse mode window each time a viewer-activated command is initiated, until a pre-defined number of slices is reached, and wherein each slice of program guide information that is added is added for a particular time element so that the viewer is allowed to scroll the browse

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mode window on a time period-by-time period basis (the limitations are included and met for the same reasons as previously discussed in claim 62, since the method of claim 62 is performed in a computer system; (fig. 1, el. 2; [3, 1-17]; figs. 2; [3, 18-44]).

As to claim 63, (the limitations are included and met as previously discussed in claim 53)

As to claim 64, (the limitations are included and met as previously discussed in claim 54).

As to claim 65, (the limitations are included and met as previously discussed in claim 55).

As to claim 67, (the limitations are included and met as previously discussed in claim 57).

As to claim 71, Proehl discloses:

said first slice of program guide information is displayed in connection with a single column headed by a given time element (figs. 8, 10, the column has a time element such as 1:30; [7, 33-50]).

As to claim 72, Proehl discloses:

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each time element that is added is formatted at the head of a separate column that is added to the browse mode window so that each additional slice of program guide information that is added is added to a column headed by a time element (figs. 8, 10, the column has a time element such as 2:30; [7, 33-50]).

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claim(s) 56 and 66 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Proehl (6577350) in view of Anderson (6005631).**

As to claim 56,

Proehl fails to specifically teach the data slices are displayed in numerical order based on the channel identifier of each data slice added to the browse mode window for display.

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In an analogous art, Anderson discloses an EPG system, wherein the data slices are displayed in numerical order based on the channel identifier of each data slice added to the browse mode window for display ([10, 38-54]; fig. 5).

It would have been obvious to one of ordinary skill in the art to modify Proehl's system to teach the data slices are displayed in numerical order based on the channel identifier of each data slice added to the browse mode window for display, as taught by Anderson, so as to allow the user to quickly locate channel numbers in an organized manner.

As to claim 66, (the limitations are included and met as previously discussed in claim 65).

#### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC



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